

Robert F. Croskery (0064802)  
Attorney for Plaintiff

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO, WESTERN DIVISION**

<b>CLAYTON PERKINS</b>	<b>:</b>	<b>Case No. 1:10-cv-00810-SJD</b>
<b>Plaintiff</b>	<b>:</b>	<b>Judge Susan J. Dlott</b>
<b>V.</b>	<b>:</b>	<b>RULE 26 DISCLOSURES OF</b>
	<b>:</b>	<b>PLAINTIFF CLAYTON PERKINS</b>
	<b>:</b>	
<b>SUN CHEMICAL CORPORATION, et al</b>	<b>:</b>	
<b>Defendants</b>		

Pursuant to Federal Rules of Civil Procedure 26a, Plaintiff Clayton Perkins provides the follow initial disclosures:

A. The individuals likely to have discovery information that Plaintiff may use to support its defenses are:

1. Gordon Reinhart  
Production Technician

The address of Gordon Reinhart is unknown to me but known to Defendant. His number is (513) 545-9676.

Gordon Reinhart has knowledge of the various lewd gestures and comments made by Bob Rainey to him or and that he witnessed Bob Rainey making to other people and myself. Gordon also witnessed the sexually graphic comments Scott Chase made to Plaintiff.

2. Mike Davis  
Production Technician

The address of Mike Davis is unknown to me but is known to Defendant. His number is (513) 685-2634.

Mike Davis has knowledge of the various lewd gestures and comments that he witnessed Bob Rainey making to other people and myself. Mike also witnessed the sexually graphic comments Scott Chase made to Plaintiff.

3. Tyrone Mitchell

Production Technician

The address of Tyrone Mitchel is unknown to me but known to Defendant. His number is (513) 226-8699.

Tyrone Mitchell has knowledge of the various lewd gestures and comments that he witnessed Bob Rainey making to other people and myself.

4. Brad Liggett

Process Control Chemist

The address of Brad Liggett is unknown to me but known to Defendant. His number is (513) 314-1540

Brad Ligett has knowledge of the various lewd gestures and comments that he witnessed Bob Rainey making to other people and myself.

5. Zach Curry

Former Employee

The address of Zach Curry is unknown to me but known to Defendant. His number is (513) 641-6921

Zach Curry has knowledge of the various lewd gestures and comments that he witnessed Bob Rainey making to other people and myself.

6. John Burton

Production Technician

The address of John Burton is unknown to me but known to Defendant. His number is (513) 254-6988

John Burton has knowledge of the various lewd gestures and comments that he witnessed Bob Rainey making to other people and myself.

7. Gary Campbell

Production Technician

The address of Gary Campbell is unknown to me but known to Defendant. His number is 513-767-6284

Gary Campbell has knowledge of the various lewd gestures and comments that he witnessed Bob Rainey making to other people and myself.

8. Albert Richey

Production Technician/Shipping

The address and phone number of Albert Richey is unknown to me but known to Defendant.

Albert Richey has knowledge of the various lewd gestures and comments that he witnessed Bob Rainey making to other people and myself.

9. Bob Rainey

Production Technician

The address and phone number of Bob Rainey is unknown to me but known to Defendant.

Bob Rainey has knowledge the various lewd gestures and comments made by himself to Plaintiff and to other people.

10. Scott Chase

Annex Production Manager

The address and phone number of Scott Chase is unknown to me but known to Defendant.

Scott Chase has knowledge of my complaint about the behavior of Bob Rainey and the retaliation taken against me because of the complaint as well as the sexual comments he made to me.

B. Documents in the possession, custody or control of Plaintiff that he may use to support his defense are being gathered to respond to Defendant's discovery requests.

Plaintiff believes the following documents in his possession may support his case. personal pay records, tax records, counseling/medical records, medical records and correspondence with the company supporting his claims.

C. Calculation of Damages claimed by Plaintiff:

1) Back pay is calculated by the amount of lost wages Plaintiff has incurred from the date of his job loss to present, minus the amount of wages or unemployment benefits earned to date, and is currently. For purposes of this calculation, Plaintiff seeks the pay raise he lost last year which would have been \$.50 to .60 cents an hour 40 hours a week for 52 weeks which would have given him another \$1,040.00 in pay along with the pay raise he isn't getting this year which would have equaled about another \$1,040.00 in a one year timeframe.

2) Front pay represents the sum of wages that Plaintiff would likely have earned from the date of the verdict for a reasonable period forward, minus any amounts in mitigation. Clayton Perkins will have lost at least \$5,000.00 in pay by trial maybe more.

3) Emotional distress damages is money allocated to compensating the Plaintiff for his distress. This amount cannot be calculated by any mathematical formula. From past experience, and looking at similar cases, this amount can range from zero to over six figures. For purposes of this case, Plaintiff estimates the amount at \$100,000.00.

4) Punitive damages is an amount reasonably calculated to deter the Defendant from similar misconduct in the future. Using 3 times the total compensatory damages gives a total of \$321,240.00.

D. Plaintiff has no insurance that appears to be applicable in this case.

The foregoing disclosures constitute all of the information reasonably available to Plaintiff and counsel at this time. Plaintiff and counsel acknowledge their obligation, and reserve their right to timely supplement these disclosures when additional witnesses, documents or other evidence come to their attention.

Respectfully submitted,

s/Robert F. Croskery  
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OF COUNSEL:

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**CERTIFICATE OF SERVICE**

I certify that the foregoing document was served on Robin Ryan, Esq., Graydon Head & Ritchey LLP, 7759 University Dr., Suite A, West Chester, Ohio 45069 and Keisha-Ann Gray in house counsel for Sun Chemical, through the Court's Electronic Filing System this 14<sup>th</sup> day of March 2011.

s/Robert F. Croskery  
Robert F. Croskery (0064802)